S T A T E O F N E W Y O R K

1182

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Judiciary

AN ACT to amend the education law, the public authorities law, the public housing law, the racing, pari-mutuel wagering and breeding law, and the New York city health and hospitals corporation act, in relation to providing for the exclusive jurisdiction of the court of claims over claims against boards of education and school districts, the community colleges of the city university of New York, the New York city transit authority, the metropolitan transportation authority, the triborough bridge and tunnel authority, the New York city housing authority, the New York city off-track betting corporation and the New York city health and hospitals corporation, and claims against the officers and employees thereof that arise out of their employment, for damages for personal injury, injury to property and wrongful death

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3813 of the education law is amended by adding a new subdivision 5 to read as follows:

5. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST ANY OF THE PARTIES NAMED IN THIS SECTION OR THE CLAIMS OF ANY PERSON AGAINST ANY TEACHER OR MEMBER OF THE SUPERVISORY OR ADMINISTRATIVE STAFF OR OTHER OFFICERS AND EMPLOYEES OF SUCH PARTIES THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH, AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF SECTION FIFTY-E, FIFTY-H AND FIFTY-I OF THE GENERAL MUNICIPAL LAW SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL SHALL BE DEEMED TO REFER TO THE CHIEF LEGAL OFFICER OF THE GOVERNING BODY OF THE DISTRICT OR SCHOOL WITH RESPECT TO WHICH THE CLAIM IS MADE AND ALL REFERENCES IN SUCH ACT TO THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE OFFICER OR BODY HAVING POWER TO ADJUST AND PAY CLAIMS AGAINST SUCH DISTRICT OR SCHOOL.

S 2. Subdivision 1 of section 6224 of the education law, as amended by chapter 711 of the laws of 1982, is amended to read as follows:

1. (A) The provisions of sections fifty-e, FIFTY-H and fifty-i of the general municipal law shall, notwithstanding any inconsistent provision of law, continue to apply to actions and proceedings based on a cause of action involving a community college of the city university of New York or an officer, agent, servant or employee of such community college acting in the course of his OR HER employment. [The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE provisions of subdivisions four, five and six of this section shall not apply to such actions and proceedings.

(B) EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST A COMMUNITY COLLEGE OF THE CITY UNIVERSITY OF NEW YORK OR ANY OFFICER, AGENT, SERVANT OR EMPLOYEE OF A COMMUNITY COLLEGE OF THE CITY UNIVERSITY OF NEW YORK FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH ALLEGED TO HAVE BEEN COMMITTED BY SUCH COLLEGE OR SUCH OFFICER, AGENT, SERVANT OR EMPLOYEE WHILE ACTING IN THE COURSE OF HIS OR HER EMPLOYMENT ON BEHALF OF SUCH COLLEGE, AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(1) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(2) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF SECTIONS FIFTY-E, FIFTY-H AND FIFTY-I OF THE GENERAL MUNICIPAL LAW SHALL APPLY TO SUCH CLAIMS; AND

(3) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL OF THE CITY OF NEW YORK AND THE COMPTROLLER OF THE CITY OF NEW YORK, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST SUCH COLLEGE ARISING OUT OF SUCH CLAIM SHALL BE PAID IN THE MANNER PROVIDED BY LAW FOR THE PAYMENT OF AWARDS AND JUDGMENTS AGAINST THE CITY OF NEW YORK.

S 3. Section 569-a of the public authorities law is amended by adding a new subdivision 3 to read as follows:

3. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

S 4. Section 1212 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

S 5. Section 1276 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

S 6. Section 402-a of the public housing law is amended by adding a new subdivision 16 to read as follows:

16. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE NEW YORK CITY HOUSING AUTHORITY OR THE CLAIMS OF ANY PERSON AGAINST THE EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF THE NEW YORK CITY HOUSING AUTHORITY AND THE NEW YORK CITY HOUSING AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE NEW YORK CITY HOUSING AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

S 7. Section 618 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 7 to read as follows:

7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CORPORATION OR THE CLAIMS OF ANY PERSON AGAINST THE EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

A. THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

B. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

C. ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL OF THE CITY OF NEW YORK AND THE CORPORATION, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE CORPORATION ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE CORPORATION.

S 8. Section 20 of section 1 of chapter 1016 of the laws of 1969, constituting the New York city health and hospitals corporation act, is amended by adding a new subdivision 2-a to read as follows:

2-A. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CORPORATION OR THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

(A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL NOT APPLY TO SUCH CLAIMS;

(B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

(C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL OF THE CITY OF NEW YORK AND THE COMPTROLLER OF THE CITY OF NEW YORK, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE CORPORATION ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW FOR THE PAYMENT OF AWARDS AND JUDGMENTS AGAINST THE CITY OF NEW YORK.

S 9. This act shall take effect on the one hundred eightieth day after it shall have become a law.